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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,584	05/05/2006	Joseph McCrossan	P35470-03	9015

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WASHINGTON, DC 20036

EXAMINER

KHAN, ASHER R

ART UNIT	PAPER NUMBER
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2621

NOTIFICATION DATE	DELIVERY MODE
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04/29/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/578,584	Applicant(s) MCCROSSAN ET AL.	
	Examiner ASHER KHAN	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/17/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5 and 11 is/are rejected.
- 7) ☐ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/05/2009; 7/17/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 6-10 and 12-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected Groups II, III and IV, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 2/16/2010.
2. Applicant's election without traverse of 1-5 and 11 in the reply filed on 2/16/2010 is acknowledged.

Allowable Subject Matter

3. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1, 2, 4 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,240,555 B1 to Shoff et al. "Shoff".**

As to claims 1 and 11, Shoff discloses a recording medium (22, Fig. 2) having recorded thereon a video stream (40, Fig. 2) and a graphics stream (54, Fig. 2) wherein:

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the video stream represents a moving picture made up of a plurality of pictures (Fig. 2, 40);

the graphics stream (supplemental content, Fig. 4, 54) is used for overlaying a menu on the moving picture, and includes interactive control information (interactive mode or layout instructions); and graphics data (Figs. 6, 8a-8c; claim 8; Col. 10 lines 44-58) the graphics data is used for generating both the menu (Fig. 8c, classified menu) and an effect (Fig. 8b; access menu) presented for introducing the menu;

the interactive control information (layout instructions) includes a plurality of pieces of composition information (size, style, location, timing and etc) defining a sequence of display compositions (Fig. 8b 212-221; Col. 9, lines 31-32; Col. 3, lines 39-52) of graphics constituting the effect (Fig. 8b, Col. 10 lines 59 to col. 11 line 33); and each piece of composition information shows (i) a bounding area on a graphics plane within which a respective display composition is rendered and (Fig. 7; Col. 10 lines 34-58) (ii) a duration after which the display composition is replaced by a subsequent display composition to be rendered within the same bounding area (Col. 10 lines 44-58; Col. 11, lines 48-65).

As to claim 2, Shoff discloses everything claimed as applied in claims 1 above. Shoff further a value of the duration shown by the composition information is calculated by multiplying y by a display duration of each picture of the moving picture (displaying of programs using the soft buttons; Col. 11, lines 1-11).

As to claims 4, Shoff discloses everything claimed as applied in claims 1 above. Shoff further discloses the graphics stream includes one or more pieces of pallet data

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(Table 2, Gallery); the interactive control information includes a plurality of pieces of page information each defining a page of the menu available for presentation (Col. 12, lines 48-67); and

each piece of page information includes a pallet ID uniquely identifying a piece of pallet data to be used for presentation of a respective page (Table 2).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent 6,240,555 B1 to Shoff et al. "Shoff" in view of Applicants Admitted Prior Art.

As to claims 5, Shoff disclose everything claimed as applied in claim 1 above. Shoff further discloses the interactive control information is encapsulated in a packet (Col. 10 lines 18-25); and a timestamp attached to the packet shows a time for starting playback of a transition (Table 2 and Col. 10, lines 7-18) and a set of graphics data associated with the menu (Figs. 8b-8c). Shoff does not expressly disclose when the transition is an in-effect to be presented preceding the menu, a set of graphics (sequence of graphics) data associated with the in-effect is located in a string of the graphics data.

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AAPA when the transition is an in-effect to be presented preceding the menu, a set of graphics (sequence of graphics) data associated with the in-effect is located in a string of the graphics data (0030).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Shoff with the teachings of AAPA. Motivation to combine would have been to have a sequence in graphical data so it could be synchronized properly.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHER KHAN whose telephone number is (571)270-5203. The examiner can normally be reached on 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/ SPE Art Unit 2621

/A. K./

Examiner, Art Unit 2621